

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

Priscilla Sterling, Raine Becker, Shawn  
Miller, and John Bennett, individually and  
on behalf of all others similarly situated,  
Plaintiffs,

v.

The City of Jackson, Mississippi; Chokwe  
A. Lumumba; Tony Yarber; Kishia  
Powell; Robert Miller; Jerriot Smash;  
Siemens Corporation; Siemens Industry,  
Inc.; and Trilogy Engineering Services  
LLC,  
Defendants.

Civil No. 3:22-cv-531-KHJ-MTP

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO AMEND  
COMPLAINT AND SET BRIEFING SCHEDULE FOR NEW MOTIONS  
FOR JUDGMENT ON THE PLEADINGS**

To simplify litigation of the Motions for Judgement on the Pleadings (dks. 47, 51) brought by the City of Jackson and Jerriot Smash ("City Defendants"), Plaintiffs seek leave to file an amended complaint, against which the City Defendants may file new motions, which can be subject to the briefing schedule outlined below.

After filing the initial complaint in this action, Plaintiffs provided notice under Miss. Code Ann. § 11-46-11(3) to the City Defendants of additional claims that they would assert (after the 90 day statutory waiting period). During that time period, other private Defendants (Siemens Industry Inc. and Trilogy Engineering Services, Inc.) moved to dismiss and strike other portions of the complaint. Dks. 26, 36. To avoid complicating that litigation by amending pleading that were the subject of pending motions, Plaintiffs refrained from amending their complaint while those motions were pending.

1       The City Defendants initially answered Plaintiffs' complaint. Then two  
2 weeks ago and last week, two of them filed motions for judgment on the pleadings.  
3 Dkts. 47, 51. Also last week, the Court ruled on the other defendants' pending  
4 motions (to dismiss and strike), and gave Plaintiffs until June 15 to amend their  
5 complaint against Defendant Siemens Industry, Inc. Dkt. 49.

6       Plaintiffs will oppose City Defendants' motions, and also seek to assert their  
7 additional and previously noticed claims against the City Defendants. To avoid  
8 extra rounds of briefing with the City Defendants as to those claims, and burdening  
9 the Court with adjudicating serial motion on claims involving related facts,  
10 Plaintiffs proposed amending their complaint now so that the City Defendants can  
11 raise all their arguments in one motion and the Court can evaluate all claims  
12 together.

13       Specifically, Plaintiffs requested leave to amend their complaint against the  
14 City Defendants on or before June 15, the same deadline that the Court set for  
15 Plaintiffs to amend their complaint against Siemens Industry, Inc.<sup>1</sup> Plaintiffs and  
16 counsel for the City Defendants discussed the implications of that amendment on  
17 the current Motions for Judgment on the Pleadings. The parties agreed that it moots  
18 the current motions. The City Defendants plan to bring a new motions against the  
19 amended complaint. Briefing on that motion will intersect with summer holidays  
20 like the Fourth of July as well as school and other summer vacations. Accordingly,  
21 Plaintiffs discussed with the City Defendants and hereby propose the following  
22 schedule:

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24  
25  
26 <sup>1</sup> This June 15 date was selected to simplify scheduling. Plaintiffs request leave to  
27 amend their complaint with respect to claims against the City Defendants whether  
28 or not they ultimately amend their allegations against Siemens Industry, Inc..

Event	Deadline
Plaintiffs Amend their Complaint	June 15, 2023
City Defendants File New Motion for Judgement on the Pleadings <sup>2</sup>	July 14, 2023
Plaintiffs' Opposition to the Motion	August 16, 2023
City Defendants' Reply	September 6, 2023

If, for any reason, this motion and Plaintiffs' amended complaint do not moot the pending Motions for Judgment on the Pleadings, Plaintiffs request in the alternative that their deadlines to response to those motions be extended to June 8, 2023.

Plaintiffs have met and conferred with all Defendants on these issues, none of whom oppose this motion or the relief sought.

Given the length and nature of this motion, Plaintiffs request that the Court waive the customary requirement of a separate memorandum brief.

Dated: May 26, 2023

Respectfully submitted,

/s/ Robert L. Gibbs

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<sup>2</sup> This deadline was created to facilitate orderly briefing around summer holidays. It should not limit the rights of the City Defendants to file motions that would otherwise be available to them.

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**CERTIFICATE OF SERVICE**

I, Jacob H. Polin, declare as follows:

I am employed in the law firm of Lieff Cabraser Heimann & Bernstein, LLP, whose address is 275 Battery Street, 29th Floor, San Francisco, California 94111-3339. I am readily familiar with the business practices of this office. At the time of transmission I was at least eighteen years of age and not a party to this action.

On May 26, 2023, I directed that the foregoing document be filed via the U.S. District Court's CM/ECF electronic system and a copy thereof was served upon all counsel of record.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on May 26, 2023.

/s/ Jacob H. Polin

Jacob H. Polin